

FORM PTO-137 (Rev. 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ST 386

U.S. APPLICATION NO. (IF KNOWN), SEE 37 CFR

09/763511

INTERNATIONAL APPLICATION NO.

PCT/NZ99/00137

INTERNATIONAL FILING DATE

24 August 1999

PRIORITY DATE CLAIMED

24 August 1998

TITLE OF INVENTION

METHOD OF SELECTING AND/OR PROCESSING WOOD ACCORDING TO FIBRE CHARACTERISTICS

APPLICANT(S) FOR DO/EO/US

ALBERT, Denis John; WALKER, John Corrie Fleming; DICKSON, Ross Lindsay; CLARK, Thomas Alan

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☐ Other items or information:

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>09/763511</b>	INTERNATIONAL APPLICATION NO. <b>PCT/NZ99/00137</b>	ATTORNEY'S DOCKET NUMBER <b>31386</b>
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21. The following fees are submitted:..

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

- |                                     |   |                   |
|-------------------------------------|---|-------------------|
| <input checked="" type="checkbox"/> | Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... | <b>\$1,000.00</b> |
| <input type="checkbox"/>            | International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....   | <b>\$860.00</b>   |
| <input type="checkbox"/>            | International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....  | <b>\$710.00</b>   |
| <input type="checkbox"/>            | International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....   | <b>\$690.00</b>   |
| <input type="checkbox"/>            | International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) .....   | <b>\$100.00</b>   |

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS** PTO USE ONLY

**\$1,000.00**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

**\$130.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 - 20 =	10	x \$18.00	<b>\$180.00</b>	
Independent claims	6 - 3 =	3	x \$80.00	<b>\$240.00</b>	
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>	

**Multiple Dependent Claims (check if applicable).**

**TOTAL OF ABOVE CALCULATIONS**

**\$1,550.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

**\$0.00**

**SUBTOTAL**

**\$1,550.00**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

**\$0.00**

TOTAL NATIONAL FEE

**\$1,550.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) **(check if applicable)**.

**\$0.00**

**TOTAL FEES ENCLOSED**

**\$1,550.00**

**Amount to be:  
refunded**

**charged**

- ☒ A check in the amount of **\$1,550.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **19-0522** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**Thomas H. Van Hoozer, Reg. No. 32,761**  
**Hovey, Williams, Timmons & Collins**



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PATENT TRADEMARK OFFICE

**SIGNATURE**

**Thomas H. Van Hozier**

NAME \_\_\_\_\_

32,761

REGISTRATION NUMBER

DATE \_\_\_\_\_

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. 31386
Applicant(s): ALBERT, Denis John; WALKER, John Corrie Fleming; DICKSON, Ross Lindsay; CLARK, Thomas Alan			
Serial No.	Filing Date	Examiner	Group Art Unit
Invention: METHOD OF SELECTING AND/OR PROCESSING WOOD ACCORDING TO FIBRE CHARACTERISTICS			
<p>I hereby certify that this Express Mail certificate; Transmittal Letter (original plus one); International Application No. PCT/NZ99/00137 including abstract, specification and eight (8) sheets of drawings; International Search Report; International Preliminary Examination Report; Preliminary Amendment including revised abstract page (8pgs.); \$1,550.00 filing fee; and return postcard is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231 on February 23, 2001.</p>			
<p style="text-align: center;">_____ Penelope Kress (Typed or Printed Name of person Mailing Correspondence)</p> <p style="text-align: center;">_____ <i>Penelope Kress</i> (Signature of Person Mailing Correspondence)</p> <p style="text-align: center;">_____ EL759816098US (“Express Mail” Mailing Label Number)</p>			

09/763511

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:

ALBERT, Denis John et al.

U.S. National Phase Application of  
International Application Serial No. :  
PCT/NZ99/00137

International Filing Date: 24 August 1999

METHOD OF SELECTING AND/OR  
PROCESSING WOOD ACCORDING TO  
FIBRE CHARACTERISTICS

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT**

Please enter the following preliminary amendment prior to examination of this  
application on the merits:

**ABSTRACT**

Applicant submits herewith an abstract of the invention retyped on a separate page  
in conformance with U.S. practice. The abstract is taken from that appearing on the cover of the  
published international application.

**SPECIFICATION**

Please amend the specification as follows:

09/763511

Page 1, line 12, please delete "Background of Invention" and substitute therefor --  
Description of the Prior Art --.

### CLAIMS

Please amend the claims as follows:

1. (Amended) A method for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood, comprising determining the velocity of sound through the solid wood, and assessing characteristic(s) of wood fibre or wood pulp produced from the wood by reference to the velocity of sound through the solid wood.

2. (Amended) A method for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood, comprising the steps of causing a sound wave to be transmitted through the wood, determining the velocity of the sound wave through the wood, and comparing the result to stored information on fibre characteristic(s) versus sound velocity through the wood-type to determine the fibre characteristic(s) for the wood.

3. (Amended) A method for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood, comprising the steps of placing a sensing means capable of detecting sound in the wood in contact with or within sensing distance of one end of a length of wood, placing a second sensing means capable of detecting sound in the wood in contact with or within sensing distance of another end of the length of wood, causing a sound wave to be transmitted in the length of wood from one end to the other, detecting the sound at each end of the length of wood via the sensing means and determining the velocity of sound in the wood, and assessing characteristic(s) of wood fibre or wood pulp produced from the wood by reference to stored information on fibre characteristic(s) versus sound velocity through the wood.

4. (Amended) A method for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood including the steps of placing means capable of detecting both an original and reflected sound wave in contact with or within sensing distance of one end of a length of wood, causing a sound wave to be transmitted in the length of wood, detecting a reflected echo of the sound in the wood, determining the velocity of the sound in the wood, and assessing characteristic(s) of wood fibre or wood pulp produced from the wood by reference to stored information on fibre characteristics versus sound velocity through the wood.

5. (Amended) A method according to [any one of claims 1 to 4] claim 1 including the step of causing a sound wave to be transmitted through the wood by impacting one end of the length of wood.

6. (Amended) A method according to [any one of claims 1 to 5] claim 1 wherein the fibre characteristic is a measure of the average fibre length.

7. (Amended) A method according to [any one of claims 1 to 5] claim 1 wherein the fibre characteristic is a measure of the strength of pulp formed from the wood.

8. (Amended) A method of segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of the wood using the method of [any one of the preceding claims] claim 1.

9. (Amended) Apparatus for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood, comprising [sensing means] a sensor capable of detecting the velocity of a sound wave through a length of wood, and [computer processing means] a computer comprising stored information on fibre characteristics versus sound velocity

through wood and arranged to determine the fibre characteristic(s) for the wood by reference to said stored information on fibre characteristics versus velocity through the wood.

10. (Amended) Apparatus for predictively assessing one or more characteristics of wood fibre or wood pulp produced from solid wood, comprising [means] a sensor capable of detecting both an original and reflected sound wave in a length of wood, and [computer processing means] a computer comprising stored information on fibre characteristics versus sound velocity through wood and arranged to determine the fibre characteristic(s) for the wood by reference to said stored information on fibre characteristics versus velocity through the wood.

11. (Amended) Apparatus according to claim [8 or] 9 arranged to determine a measure of the average fibre length.

12. (Amended) Apparatus according to claim [8] 9 arranged to determine a measure of strength of pulp formed from the wood.

Please add the following new claims:

13. A method according to claim 2 including the step of causing a sound wave to be transmitted through the wood by impacting one end of the wood.

14. A method according to claim 2, wherein the fibre characteristic is a measure of the average fibre length.

15. A method according to claim 2, wherein the fibre characteristic is a measure of the strength of pulp formed from the wood.

16. A method according to claim 3 including the step of causing a sound wave to be transmitted through the wood by impacting one end of the wood.

17. A method according to claim 3, wherein the fibre characteristic is a measure of the average fibre length.

18. A method according to claim 3, wherein the fibre characteristic is a measure of the strength of pulp formed from the wood.

19. A method according to claim 4 including the step of causing a sound wave to be transmitted through the wood by impacting one end of the wood.

20. A method according to claim 4, wherein the fibre characteristic is a measure of the average fibre length.

21. A method according to claim 4, wherein the fibre characteristic is a measure of the strength of pulp formed from the wood.

22. A method according to claim 5, wherein the fibre characteristic is a measure of the average fibre length.

23. A method according to claim 5, wherein the fibre characteristic is a measure of the strength of the pulp formed from the wood.

24. A method according to segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of wood using the method of claim 2.

25. A method of segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of wood using the method of claim 2.

26. A method of segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of wood using the method of claim 3.

27. A method of segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of wood using the method of claim 4.

28. A method of segregating wood for use in pulp and paper or fibre board production including determining one or more fibre characteristics of the individual lengths of wood using the method of claim 5.

29. Apparatus according to claim 10 arranged to determine a measure of the average fibre length.

30. Apparatus according to claim 10 arranged to determine a measure of strength of pulp formed from the wood.

#### **REMARKS**

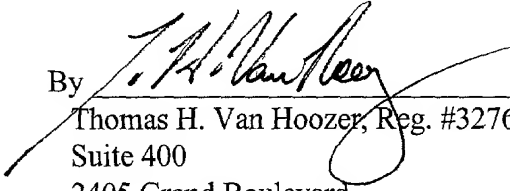
Applicant submits herewith a Preliminary Amendment for entry prior to computation of the fee and examination of the application on the merits. The amendment is not intended to substantive change the claims but rather to address certain formalities and remove multiple dependencies in accordance with U.S. practice. In view of the favorable International Preliminary Examination Report, all claims appear to be allowable. Applicant believes the amendment submitted herewith conform the application to U.S. practice and it is believed that the amendment to the claims place them in allowable form. Should the examiner have any questions which may be resolved by

telephone conference, it is requested that the examiner contact applicant's attorney at 1-800-445-3460. Should this amendment necessitate any additional fees it may be charged to Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY, WILLIAMS, TIMMONS & COLLINS

By

  
Thomas H. Van Hoozer, Reg. #32761

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(Docket No. 31386)